

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE CONSTRUCTION EQUIPMENT  
ANTITRUST LITIGATION

This Document Relates To:

25-cv-5951 (currently pending before the  
Hon. Mary M. Rowland)

Case No. 25-cv-03487

Hon. Sara L. Ellis

**PLAINTIFFS' UNOPPOSED MOTION TO CONSOLIDATE  
AND SUPPORTING MEMORANDUM OF LAW**

Pursuant to Federal Rule of Civil Procedure 42(a) and Local Rule 40.4, Plaintiffs AXG Roofing, LLC (“AXG”), the named plaintiff in *AXG Roofing, LLC v. RB Global, Inc., et al.*, No. 25-cv-3487 (N.D. Ill.), and Ultra Home Set, LLC, the named plaintiff in *Ultra Home Set, LLC v. RB Global Inc. et al.*, No. 25-cv-5951 (N.D. Ill.) (“*Ultra Home*”), respectfully move this Court for entry of an order finding that *Ultra Home*, an action filed on May 28, 2025 that is currently pending before the Honorable Mary M. Rowland, is related to *In re Construction Equipment Antitrust Litigation*, No. 25-cv-3487 (N.D. Ill.) and should be reassigned to the Honorable Sara L. Ellis for consolidated proceedings. Defendants do not oppose this Motion.

**I. INTRODUCTION**

On April 1, 2025, AXG filed the first complaint alleging an antitrust price-fixing conspiracy in the construction equipment rental market. Five other complaints followed.<sup>1</sup> On May 13, Judge Ellis granted an unopposed motion to consolidate the six then pending actions and set a

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<sup>1</sup> *Immediate Appliance Serv., Inc. v. RB Global, Inc. et al.*, No. 25-cv-4139 (N.D. Ill.); *Kris Swanson Constr. LLC v. RB Global, Inc., et al.*, No. 25-cv-4236 (N.D. Ill.); *IPCS Corp. v. RB Global, Inc. et al.*, No. 25-cv-4825 (N.D. Ill.); *IZQ Constr. LLC v. RB Global Inc. et al.*, No. 25-cv-4872 (N.D. Ill.); *2nd Gen. Plumbing, LLC v. RB Global Inc. et al.*, No. 25-cv-5000 (N.D. Ill.).

status conference for August 26, 2025.<sup>2</sup> *See* ECF No. 79, 25-cv-3487 (N.D. Ill. May 13, 2025). On May 30, the Executive Committee of the Northern District of Illinois formally consolidated the six cases into *In re Construction Equipment Antitrust Litigation* (the “consolidated actions”), ordering that all future N.D. Ill. cases be reassigned to Judge Ellis and consolidated. *See* ECF No. 83. Shortly before the Executive Committee issued its Order, the plaintiff in *Ultra Home* filed the seventh complaint in this District and the case was assigned to Judge Rowland. Like *AXG Roofing* and the five other cases consolidated by the Executive Committee, *Ultra Home* alleges Sherman Act violations on behalf of a proposed class of persons and entities that rented construction equipment from one or more of the same defendants named in the lead case.

## II. ARGUMENT

Under Federal Rule of Civil Procedure 42(a), the Court may consolidate actions that “involve a common question of law or fact.” *Star Ins. Co. v. Risk Mktg. Grp. Inc.*, 561 F.3d 656, 660 (7th Cir. 2009). Further, under Local Rule 40.4, motions for reassignment are granted when the cases are related and “reassignment would promote efficient use of judicial resources.” *Global Pat. Holdings, LLC v. Green Bay Packers, Inc.*, 2008 WL 1848142, at \*2 (N.D. Ill. Apr. 23, 2008). *Ultra Home* satisfies this test. This case should be reassigned to Judge Ellis and consolidated with *In re Construction Equipment Antitrust Litigation*.

First, *Ultra Home* is related to the cases consolidated in *In re Construction Equipment Antitrust Litigation*. Local Rule 40.4(a) defines cases as related if at least one of the following conditions are met: “(1) the cases involve the same property; (2) the cases involve some of the same issues of fact or law; (3) the cases grow out of the same transaction or occurrence; or (4) in

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<sup>2</sup> The JPML has set this matter for hearing on July 31, 2025. *See* [https://www.jpml.uscourts.gov/sites/jpml/files/Hearing%20Session%20Filed\\_July%202025.pdf](https://www.jpml.uscourts.gov/sites/jpml/files/Hearing%20Session%20Filed_July%202025.pdf).

class action suits, one or more of the classes involved in the cases is or are the same.” Here, *Ultra Home* involves the same issues of fact and law and grows out of the same occurrence as the consolidated actions. It brings the same claims against the same defendants. *See* ECF No. 83 (ordering that all future cases “filed with similar claims and the same defendants” be consolidated under 25-cv-3487). Like the consolidated actions, *Ultra Home* alleges that the Defendants have engaged in a combination or conspiracy to fix, raise, maintain, or stabilize rental prices for construction equipment. Further, the class alleged in *Ultra Home* is substantially similar if not identical to the classes alleged in the consolidated actions. As such, *Ultra Home* satisfies Local Rule 40.4(a) and Federal Rule 42(a). *See McDonald v. Hardy*, 821 F.3d 882, 893 (7th Cir. 2016) (noting consolidation is appropriate where actions involve overlapping legal and factual issues).

Second, reassigning and consolidating *Ultra Home* would promote the efficient use of judicial resources. In the Northern District of Illinois, reassignment furthers judicial efficiency when “(1) both cases are pending in this Court; (2) the handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort; (3) the earlier case has not progressed to the point where designating a later filed case as related would be likely to delay the proceedings in the earlier case substantially; and (4) the cases are susceptible of disposition in a single proceeding.” L.R. 40.4(b). Each of these factors are met in this case. Both *In re Construction Equipment Antitrust Litigation* and *Ultra Home* are pending in this District. Further, in consolidating the six previous actions, the Executive Committee necessarily found that proceeding under a single judge will likely save the Court substantial time and effort, and that the existing cases were susceptible of disposition in a unified proceeding. The same holds true for the seventh complaint—*Ultra Home*—given the substantially similar factual and legal issues and overlapping parties. Finally, *In re Construction Equipment Antitrust Litigation* has not progressed to a point

where reassigning *Ultra Home* will substantially delay it; no consolidated complaints or responsive pleadings have yet been filed. *Ultra Home* therefore satisfies Local Rule 40.4(b).

### III. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Motion be granted and the Court order that *Ultra Home Set, LLC v. RB Global Inc. et al.*, No. 25-cv-5951 (N.D. Ill.) is related to *In re Construction Equipment Antitrust Litigation*, No. 25-cv-3487 (N.D. Ill.) and should be reassigned to the Honorable Sara L. Ellis for consolidated proceedings.

Dated: June 16, 2025

Respectfully submitted,

/s/ Zachary D. Caplan

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